EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Crawford on 1/27/2010.

The application has been amended as follows:

In the claims:

Claim 1, line 8, change "the root mean square" to --a root mean square--.

Claim 2, should now read as:

A method of setting a slice level in a binary signal in the presence of noise, the binary signal having a first signal level and a first noise level during a first signal portion and a second signal level and a second noise level during a second signal portion, the method comprising:

as a function of a root mean square (RMS) level of the binary signal, setting the slice level to a value about equal to half the difference between the magnitudes of the first and the second signal levels minus half the difference between the magnitudes of the first and the second noise levels

wherein the first and second noise levels are determined by measuring the respective noise levels including detecting the RMS level of the binary signal and including detecting peaks in the binary signal to determine the average magnitudes of the respective noise levels.

Claim 4, line 7, change "the REMS level" to --a RMS level--.

Claim 8, line 2, insert a carriage return (i.e. start a new line) after "comprising:".

Claim 8, line 13, change "the RMS level" to --a RMS level--.

Claim 10, line 4, change "the RMS level" to --a RMS level--.

Claim 11, line 13, change "the RMS level" to --a RMS level--.

REASONS FOR ALLOWANCE

2. Claims 1-14 are allowed.

3. The following is an examiner's statement of reasons for allowance: The present invention discloses a device for setting the slice level in a binary signal in the presence of noise with first and second shift means, a noise peak level detection means and an adjustment connection. The closest prior art, Little (US 2003/0081697), Nagaraj (US 6,041,084) and Inbar (US 4,651,105), disclose a similar device with variable voltage offset voltage sources, peak detectors, a differential amplifier, and a feedback integrator. However, Little and Nagaraj fail to disclose that the shifting means comprise a series connection of a resistive element, a transistor, and a current source, wherein the bases of the transistors being coupled to receive the noise indication signal (as recited in claim 7). Nagaraj and Inbar also fail to disclose detecting a root mean square (RMS) level of the binary signal (as recited in claims 1, 2, 4, 8, 10 and 11). These limitations distinguish the claims over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID HUANG whose telephone number is (571)270-1798. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on (571) 272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DSH/dsh
1/27/10
/David Huang/
Examiner, Art Unit 2611
/Shuwang Liu/
Supervisory Patent Examiner, Art Unit 2611